

## **APPENDIX D: NATIONAL PARK SERVICE BIOSPHERE RESERVE PROGRAM**

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## **STATEMENT OF BROOKS B. YEAGER, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES REGARDING, H.R. 883, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT.**

**MARCH 18, 1999**

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 883, the American Land Sovereignty Protection Act. The chief effect of this legislation would be to place cumbersome and unwise restrictions on U.S. participation in the World Heritage Convention and other international conservation agreements. Ironically, these agreements were, in many cases, the product of U.S. world conservation leadership and have been supported by Presidents of both parties going back to President Nixon. Through them, the United States has been successful in engaging many other nations of the world in the effort to establish and protect national parks and to better conserve unique and important natural and cultural resources worldwide. The restrictions on participation and the burdensome new requirements of H.R. 883 appear to be a response to worries that these agreements in some way diminish U.S. sovereignty over our own parks and refuges – but nothing could be further from the truth. Because the restrictions of H.R. 883 are unnecessary, and would unwisely weaken the worldwide conservation leadership and influence that the United States has earned, we must strongly oppose this bill. If this legislation were to pass, the Secretary of the Interior would recommend a veto.

U.S. participation in the World Heritage Convention and other international conservation agreements has benefited parks and adjacent communities and has been helpful to U.S. foreign policy objectives. Both the idea of national parks and the World Heritage Convention, originating a century apart, are American ideas that are universally acclaimed and accepted worldwide. Their international acceptance is a continuous affirmation of the United States' prestige and global influence. U.S. participation in international conservation agreements insures that these ideals continue to extend their reach and also that U.S. sites receive the prestige and recognition they deserve, on par with that enjoyed internationally by the Great Pyramids of Egypt, Victoria Falls, the Serengeti Plain, and Vatican City.

World Heritage designation does not impose any particular new management requirements; it often presents new opportunities. In Hawaii, the World Heritage designation of Hawaii Volcanoes National Park is serving as the linchpin in a strategy to draw more tourists to the island, and is an element of the town of Volcano's strategic planning. At Wrangell-St. Elias and Glacier Bay, two parks that are listed jointly with Canadian parks across the border, World Heritage designation has resulted in direct cooperation with Canada on mountain rescue, managing traffic, and rescue operations on the Alsek River. The Reagan administration recognized the value of such designations when it chose to highlight one of its major initiatives in private-sector fundraising for parks -- the restoration of the Statue of Liberty -- by nominating the Statue to the World Heritage List in 1984.

H.R. 883 attempts to fix alleged problems that do not exist. American sovereignty is not at risk. First, international agreements, such as the World Heritage Convention, do not in any way exclude Congress from exercising oversight of land management decisions, nor could they ever do so. Second, the nomination processes for the various international conservation designations are generally consultative and are based on conservation measures already in place at the local level. Third, land-use decisions

pertaining to internationally recognized sites remain the sole responsibility of the sovereign nation in which the site is located. In the United States, such decisions fall under the jurisdiction of the appropriate federal, state, or local governments, tribes, or private property owners, and are subject to the domestic laws already in place.

The designation of sites under the World Heritage Convention and other such agreements has no more effect on national law in the U.S. or elsewhere, than does the winning of a Nobel Prize or an Olympic Medal. The United Nations does not gain any authority to dictate land-management decisions in any country or at any level. This Administration has no intention to cede sovereignty over U.S. lands to international organizations; neither did the five previous administrations, both Republican and Democratic, which have all participated enthusiastically in the international conservation agreements targeted by this bill.

Nor is there any evidence that international recognition restricts land use or stops economic growth. To the contrary, World Heritage sites, U.S. Biosphere Reserves, and Ramsar designations have been embraced in many local areas of the U.S. as value-added designations, which increase partnerships among federal, state and local governments, and private property owners for mutual benefit. Additionally, they have contributed to increases in tourism, which is especially vital to local economies, and have fostered research on important environmental problems.

Rather than being harmful to local and community interests, a World Heritage designation appears to be economically beneficial to those near designated sites, especially an attraction for foreign tourists. During the period 1990-1995, visitation to U.S. World Heritage parks increased 9.4%, as opposed to a 4.2% increase for all national parks. There is evidence to suggest that a significant part of the increase derived from increased international tourism; World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and visit the parks.

For example, Wrangell-St. Elias National Park reports that an increase in foreign visitation from Europe, currently at 10%, may be due to its World Heritage designation. Grand Canyon National Park, where foreign visitation is roughly 40%, reports that foreign visitation is more likely as a result of a World Heritage designation than to an individual nation's "national park" designation. Given that the total economic benefit of the Grand Canyon to the surrounding region is estimated at \$350 to \$700 million per year, the impact of the World Heritage designation is clearly salutary there.

## **H.R. 883**

H.R. 883 would unduly restrict the legal and administrative framework for implementation of important U.S. commitments to international environmental cooperation, which have traditionally enjoyed bipartisan support in Congress and the Executive Branch. It would also allow those who oppose cooperative efforts in international conservation on ideological grounds to block the efforts of communities to utilize these agreements for their own benefit. Section 3 of the bill would amend the National Historic Preservation Act of 1966, as amended, to require express authorization by Congress of each future nomination of Federal sites for inclusion in the World Heritage List. It would also instruct the Secretary of the Interior to object to the inclusion of any property (including private lands) in the U.S. on the List of World Heritage in Danger, absent authorization by a Joint Resolution of Congress. Section 4 would establish a similar congressional authorization process for biosphere reserve designations. It would prohibit the nomination of new biosphere reserves for international recognition under UNESCO and void the designation of all existing biosphere reserves unless authorizing legislation is passed by December 31, 2000. The bill unnecessarily encumbers what are

now modest, grass roots-based programs that fulfill our commitment to environmental stewardship in the world.

The amendments to the National Historic Preservation Act, that would be made under Section 3, would require the Secretary of the Interior to make a determination of any adverse effects on commercially viable uses should an area be nominated as a World Heritage site or be placed on the List of World Heritage in Danger. The adverse effects must be considered for lands being nominated or listed and also for all lands within 10 miles of the area. However, since designating an area as a World Heritage site or listing it as “in danger” does not change U.S. law, nor impose land-use restrictions, the designation cannot adversely affect commercially viable uses. Also, sections 3 and 4 of the bill set additional reporting requirements for all areas that have been recognized as World Heritage Sites or Biosphere Reserves. This is a burdensome and unnecessary requirement and flies in the face of recent congressional action to eliminate unneeded reports to Congress.

With respect to the legal effect of the World Heritage Convention, the Congressional Research Service said in its May 3, 1996 report, “World Heritage Convention and U.S. National Parks,” that: “The Convention has no role or authority beyond listing sites and offering technical advice and assistance.” The clear understanding that the Convention carries no land management authority or obligation goes back to President Nixon’s statement on the issue.

The case of “biosphere reserves” established in connection with UNESCO’s Man and the Biosphere program similarly admits no international control of U.S. lands. Indeed, the charter document for the UNESCO program clearly states that, “Biosphere Reserves, each of which remain under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary.” (As used in this quote the word “State” refers to sovereign nations.)

## **World Heritage**

The World Heritage Convention, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. international environmental foreign policy for a quarter century. The U.S. played a notable leadership role in drafting the Convention and was the first signatory in 1973. The Senate ratified the Treaty by a margin of 95-0. Although 156 nations now participate, the U.S. has continued its leadership role, twice serving as chair, and currently completing a second consecutive 6-year term on the World Heritage Committee.

It is noteworthy that, although the Reagan Administration chose to withdraw the United States from UNESCO, that Administration opted to remain active in World Heritage and promulgated the program regulations, still in force, that made the program fully operative in the U.S. Under President Bush, in 1992, Secretary of the Interior Manuel Lujan hosted the meeting of the World Heritage Committee, in Santa Fe, New Mexico, the second time in the Committee’s more than 20 years of active work that it met in the U.S.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and agrees to take the necessary steps to preserve and protect them under its own legal systems. In fact, a nation can only nominate a site within its own border and no nation can nominate a site in another nation. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the proposal of a site for study and its consideration by the World Heritage Committee.

The U.S. nomination process is completely voluntary and clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR Part 73). Under the regulations, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate sites have originated from private organizations and citizens and local governments as well as from park superintendents. Every proposed nomination must have a strictly defined boundary. The criteria and documentation requirements for nomination are highly selective; many proposed properties have been turned down or deferred for cause. Relevant committees of the House and Senate are notified of all pending proposals and again informed when the Department has decided to nominate a property. Over the years, when Members of Congress have commented on proposed sites, they have overwhelmingly supported proposed nominations in their respective states. This existing congressional input has worked very well. No site has been nominated if its nomination did not enjoy overwhelming support from both local leaders and the State's congressional delegation.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage List, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed. No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives elected from 21 member countries, reviews all national nominations. At present, 582 properties have been listed. The Committee also places properties on the List of World Heritage in Danger. Only the Committee can place properties on either List. Neither listing as a World Heritage Site nor inclusion on the List of World Heritage in Danger supersedes or diminishes United States sovereignty. Neither imposes any legal requirement for U.S. sites beyond those already contained in U.S. law. The World Heritage Committee does not acquire management authority over World Heritage Sites by virtue of any listing.

The U.S. World Heritage nomination process is fully respectful of private property rights. Affirmative concurrence is required from all non-federal owners before properties can be nominated for inclusion on the World Heritage List. The two private U.S. properties on the World Heritage List are Monticello and Taos Pueblo. Three other properties in the United States or Puerto Rico are on the World Heritage List. These are the University of Virginia in Charlottesville, Virginia owned by the Commonwealth of Virginia and Cahokia Mounds and La Fortaleza in San Juan, Puerto Rico owned by the Commonwealth of Puerto Rico. The nominations for all these sites enjoyed the full support of all relevant stakeholders.

### **U.S. Biosphere Reserves**

Though the Department of the Interior plays a leading role for the U.S. under the World Heritage Convention, it plays a cooperative role in our participation in the Man and the Biosphere Program. As with World Heritage Sites, the designation and management of U.S. Biosphere Reserves provide benefits from international recognition, and allow U.S. sites to be linked to a global network for cooperation in science, education, and technical assistance. Recognition does not pose a threat to the sovereignty of American lands, it does not impose new management requirements on public lands, and it does not impose new land-use or regulatory restrictions on private property owners. In addition, designation does not imply any intent on the part of the federal government to acquire property in the surrounding area.

There are 47 designated biosphere reserves in the United States. Biosphere reserves represent purely voluntary commitments on the part of land managers to emphasize conservation, science and education as they seek solutions to issues of conservation and development in cooperation with local

residents, governments, and other parties in their region. The purposes of these associations are to facilitate the discovery of practical solutions to complex conservation and development problems by providing a science-based framework for pursuing common goals. This cooperative setting allows each party to share resource and economic expertise that no one group could obtain on its own. Biosphere reserve recognition is proposed by local entities, in consultation with local governments and other interested parties. Approval by landowners, public and private, is required. As a matter of practice, when such proposals appear to have been developed without sufficient local consultation, or where local opposition is obvious, they have been returned with guidance regarding the need for local support.

Mammoth Cave is a good example of this program. The Mammoth Cave Area Biosphere Reserve was designated in 1990 and includes Mammoth Cave National Park and its primary groundwater recharge basins. The Barren River Area Development District (BRADD), which is chartered by the Commonwealth of Kentucky and is responsible for regional planning within the ten-county area surrounding Mammoth Cave, selected the U.S. biosphere reserve model as the tool to address regional water quality issues. The biosphere reserve activities are coordinated through the BRADD, whose Board of Directors is made up of locally elected officials, and is viewed as a locally managed effort rather than a federal undertaking. To coordinate resource management activities, the BRADD established a Biosphere Reserve Council which consists of Western Kentucky University, USDA Forest Service, USDA Farm Service Agency, USDA Natural Resource Conservation Service, Tennessee Valley Authority, U.S. Economic Development Administration, Army Corps of Engineers, agencies of the Kentucky Natural Resources Cabinet, the Resource Conservation and Development District, the Caveland Sanitation District, and the National Park Service. Together, these previously unlikely partners have made significant accomplishments that have directly benefited the area. These accomplishments include:

The Mammoth Cave Area Water Quality Project - A partnership approach to protecting the Mammoth Cave Watershed, which includes significant financial resources available to farmers from the USDA on a cost-sharing basis, significant investment by the NPS for monitoring, and support from the EPA to continue this effort.

Regional GIS/GPS and Development of a Geospatial Data Center - Members of the Biosphere Reserve Council have pooled their resources to enhance data sharing and analysis capability and to establish a geographic information system and global positioning base station which has a variety of applications of benefit to all members. Additionally, a grant from the U.S. Geological Survey has established a Geospatial Data Center at Western Kentucky University.

Economic Development and Impact Studies - The Economic Development Administration funded a study in the area to assess the potential for compatible industrial development. The results of this study have been made available to the community to assist in economic and infrastructure planning. Also, the USGS in partnership with local universities is working on an economic impact study of the park and local area to assess the impact of tourism expenditures.

The Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits and received recognition for working together to resolve complex conservation and development issues and protect resource values. A survey of biosphere reserve managers in 1995 suggests that, in cases where their cooperative endeavors are identified explicitly

with the biosphere reserve concept, there are more cooperating parties and more participation of local organizations than in other types of cooperative efforts.

Biosphere Reserves are also important internationally because they provide a network of protected areas, particularly essential as stopovers for migratory birds that U.S. shares with other nations. For example, Mexico's newly created Sian Ka'an Biosphere Reserve in the Yucatan Peninsula provides wintering habitat for species seen during the summer in the United States, many of which are in decline because of habitat loss. Each year more than 65 million Americans watch and feed birds and more than 25 million Americans travel away from their homes specifically to watch birds. These bird-watching Americans spend \$5.2 billion annually, generating an annual total economic return to the U.S. economy of nearly \$20 billion. U.S. citizens also are frequent visitors to internationally recognized sites of other countries. American businesses directly benefit from this visitation of U.S. citizens to foreign countries, as they operate tour companies that frequent biosphere reserve sites abroad.

### **Ramsar**

Finally, Section 5 of the bill restricts international agreements in general with respect to the nomination, classification or designation of federal lands for conservation purposes. This general language will have a detrimental effect on the United States ability to provide world leadership in environmental conservation efforts. Specifically, it will hamper the U.S. ability to implement the Ramsar Convention on Wetlands, an international agreement submitted by President Reagan in 1986, that recognizes the vital role wetlands play in local communities for water quality, migratory bird habitat and aesthetic and recreational enjoyment.

Designations of appropriate sites as "wetlands of international importance" under the Ramsar Convention have been a positive force for conservation of these sites. Since the Convention was ratified in 1986, 17 sites have been designated, all at the request of the local communities where the sites occur. The U.S. Fish and Wildlife Service, the agency which oversees the Ramsar Convention, does not actively seek out and designate Ramsar sites, one of the reasons that the implementation of the Convention in the United States has been successful without major controversies. The Service considers educating and informing citizens about the Convention a starting point; then the genesis of a nomination must begin with the community. This approach sparks interest by citizens, helps bring a community together, and builds support for a nomination. Sometimes it can develop partnerships between unlikely groups. Citizens take pride in their special places and international recognition can only improve this pride.

A number of States and local communities have used designation as a means of enhancing locally based conservation and economic efforts. A review conducted by the Fish and Wildlife Service in 1996 found a number of positive values from Ramsar designations, all as a result of the voluntary, cooperative spirit in which designations are made. For example, the New Jersey Department of Environmental Protection noted that Ramsar designation has been used as a non-regulatory tool to achieve wetland protections, and found a significant increase in tourism to designated sites, increasing local revenue. On the Lower Connecticut River, the State of Connecticut found that their designation of the lower Connecticut River wetlands complex as a Ramsar site has had a positive impact upon property values. Realtors are actively using this designation to attract buyers to abutting properties and the sale prices for these lands have increased. The State expects to see a positive impact on the tax base for Connecticut River townships from the Ramsar designation. And in Southern Illinois, the local communities are depending on the Ramsar designation of the unique cypress and tupelo swamps on the Cache River to help draw tourists and improve the economic viability of this depressed region.

Policy and guidelines for nomination of sites to the List of Wetlands of International Importance was published in a Federal Register Notice dated April 12, 1990, Vol. 55, No. 77. This action was taken in accordance with the articles of the Convention. These guidelines are needed to (1) assure that petitions for listing are consistent with the Convention's criteria and obligations, and (2) allow mechanisms for appropriate review of proposed site nominations. It is important to note that Article 2, Part 3, of the Convention document specifically states "the inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated."

The Fish and Wildlife Service will continue its policy to consider proposed sites only if: 1) there is concurrence from the State, Commonwealth, or Territory where the site is located; 2) the ownership rights of the lands being considered are free from encumbrances or dispute; and 3) the lands are in public or private management that is conducive with the conservation of wetlands. In all cases where private lands are involved, endorsement of a potential listing by the landowners is mandatory. In addition, the Fish and Wildlife Service has made it a requirement for all nominating organizations to provide written approval from the appropriate member(s) of the Congressional Delegation.

The Administration believes that the requirement under H.R. 883 that would require Congressional approval for listing sites under the Convention on Wetlands would substantially delay the benefits which designation of sites under the Convention can bring and would make the process much more time-consuming and bureaucratic. It would also remove the locally driven designation process and replace it with a prescriptive federal process if the entire Congress would have to approve every designation. Why should a member from New York be able to deny a Ramsar designation from a community in Texas that is seeking the designation? On the other hand, the required approvals from any private property owner(s), the State, Commonwealth, or Territory in which the property resides, and the Congressional delegation, should ensure that citizens directly effected by a designation are supportive and make a formal Congressional approval process unnecessary.

### **Conclusion:**

International site recognitions such as World Heritage and U.S. Biosphere Reserves do not threaten U.S. sovereignty or interests. Rather, they enhance the prestige and recognition of areas already protected under domestic law and provide economic benefits to communities that benefit from being internationally recognized. The "national park" idea was something inherently American that has been extended internationally through these programs; to inhibit them would be a disservice to this idea in the United States and would diminish U.S. influence abroad. We strongly believe that the United States should continue to play a leading role in these worldwide efforts that benefit the citizens and the environment of both our nation and of the entire world.

This concludes my prepared remarks.